

REMARKS

Applicants have amended claim 11 per Examiner's suggestion, the support for which is in the pending application. No new matter has been added.

The Examiner rejected all pending claims (10-26) under 35 U.S. C. §103 as being obvious over US 6,815,048 of Davidson et al ("the '048" patent) in view of US 4,769,205 of Oles et al ("the '205" patent). Applicants respectfully traverse the rejection with respect to all the pending claims.

The Examiner states correctly that the primary reference, the '048 patent, describes a film composition similar to the one of the instant invention. However, the primary reference clearly lacks the disclosure of using such label films in a blow moulding process.

The '048 patent teaches that the β -voided films are useful in label applications in general because the film can be easily unwound and destacked. The '048 patent is about a useful label film, because of its easy handling. The film does not block upon unwinding. Cut and stacked labels can be unstacked readily without significant static cling (see Abstract, col. 2, lines 45 – 52, col. 6 lines 61 – 64, and col. 7, lines 17 – 30).

These helpful anti-blocking and anti-stacking properties make the film useful, specifically, in label applications where such properties are required (col. 2, lines 45 – 54), such as in-mould label, wrap-around, and self adhesive labels (col. 1, lines 50 – 59).

However, the '048 patent does not mention such a film can be used in which kind of in-mould labelling processes. The teaching is generic in that only in-mould labelling is mentioned. The '048 patent does not teach the distinction between the different in-mould processes. Nor does it hint such different processes require specific label films suitable for the specific needs of the respective processes.

As explained in the specification of the pending application, “label” encompasses a variety of techniques and materials, such as in-mould labels, wrap around labels, self adhesive labels etc. (page 1, lines 14-18). In addition, within the field of in-mould labelling different processes exist, which are distinguished by the way of forming the container (page 1, lines 20-25). Furthermore, the temperature and pressure for forming the container are different for injection moulding, blow-moulding, and thermoforming (page 1, line 28 to page 2, line 23).

The ‘048 patent does not distinguish these different methods of in-mould labelling. The ‘048 patent is completely silent in which method of moulding the label film should be used. All that can be derived from the ‘048 patent is that the film is useful wherever unwinding or destacking is required, which is true for all labelling methods.

The secondary reference, the ‘205 patent, relates to an equipment for placing labels in to the mould of a blow-moulding machine. This reference is absolutely silent as to the type of label materials.

Both references do not mention the blow-moulding and the film materials as claimed in the present invention. Instead, the teachings of the references generally relate to methods of in-mould labeling and the film materials thereof. There is no teaching in either reference or in the state of the art to motivate a skilled artisan to combine or modify the references to produce the claimed invention. Without such a motivation, teaching, or suggestion, it is improper to pick and choose certain elements among others disclosed in the references to produce the claimed invention. The invention of the pending application is far more specific than the generic teachings of the cited references.

The Applicants found a specific film material that is surprisingly useful in a specific labelling method such as blow moulding, which is to avoid the orange peel problem (page 5, line 22 to page 6 line 9). Neither the primary nor the secondary reference addresses the orange peel problem.

Accordingly, it was not obvious to use the label material of the '048 patent in the process of the '205 patent. There was no motivation, suggestion, or teaching to specifically select the '048 patent material for the '205 patent process with the expectation to avoid orange peel, which was known to occur with "standard" voided films.

In view of the above amendment and arguments, Applicants respectfully request the withdrawal of the rejection. Applicants believe the pending application is in condition for allowance.

Applicants hereby petition for a two-month of extension of time and authorize the Commissioner to charge the required fees against our Deposit Account No. 03-2775, under Order No. 05581-00131-US. If any additional fees are due relating to the present application, please charge the same account, under the same order number, from which the undersigned is authorized to draw.

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Respectfully submitted,

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